

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DA
01 SEP 21 2004 7:57

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
CHRISTOPHER J. WALSH,)
)
SSN: 480-84-6296)
Defendant,)
)
and)
)
StaffMe.Net. LLC)
)
Garnishee.)

ANSWER OF THE GARNISHEE

Terri L. Gingrich, BEING DULY SWORN DEPOSES AND SAYS:
(Affiant)

A. That he/she is the Owner (state official title, relationship, etc.) of Garnishee, StaffMe.Net. LLC.

B. On Sept. 16th, 2004, Garnishee was served with the Writ of Continuing Garnishment. As of this date of service Garnishee has custody, control or possession of earnings because the Debtor is or was in my/our employ. Yes _____ No. (If the answer is yes, complete items 1 and 2 below):

1. Debtor's pay period is _____ weekly, _____ bi-weekly, semi-monthly, _____ monthly. Enter the date the present pay period began. 9/16/04 ("Present" means the pay period in which this order and notice of garnishment were served) Enter the date the above pay period ends. 9/30/04

2. The amount of the Debtor's net wages are:

- a) Gross Pay
- b) Federal Income Tax
- c) F.I.C.A. Income Tax
- d) State Income Tax
- e) Total of tax withholdings
- f) Net Wages (total is (a) less total of (e))

<u>2,521.92</u>	Local: 48.94
<u>190.00</u>	Medicare: 35.48
<u>151.71</u>	
<u>97.02</u>	

523.15

1,998.77 *

* See attached "Pay stub Detail" for other adjustments.

C. Have there been, or are there currently, other garnishments in effect? (Including, but not limited to, child support and alimony.) Yes _____ No.

If the answer is yes, describe below.

Child Support garnishment in the amount of
\$364.65 taken out each semi-monthly paycheck.

D. In addition to earnings, the Garnishee has custody, control or possession of non-earnings property (such as commissions, bank accounts, stocks, ect.) in which the Debtor maintains an interest. _____ Yes No (If the answer is yes, describe below)

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
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1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

E. Garnishee anticipates owing to the Debtor in the future, the following amounts (non-earnings only):

<u>Amount</u>	<u>Estimate Date or Period Due</u>
---------------	------------------------------------

1. \$ <u>Ø</u>	_____
2. \$ _____	_____
3. \$ _____	_____
4. \$ _____	_____

F. Complete items 1 through 3 below, if applicable:

1. The Garnishee makes the following claim of exemption on the part of Debtor as indicated on the Claim for Exemption Form.

N/A

2. The Garnishee has the following objections, defenses or set-offs to Plaintiff's right to apply Garnishee's indebtedness to Debtor upon Plaintiff's claim:

N/A

3. The Garnishee was not and is not indebted or under liability to the Debtor, and the Garnishee did not or does not have in his/her possession or control any property belonging to the Debtor, or in which the Garnishee has an interest; and is not liable as Garnishee in this action for the following reason(s):

N/A

G. The Garnishee delivered or mailed a copy of the original of this Answer by first-class mail to:

(1) Clerk U.S. District Court U.S. Postoffice & Courthouse, Rm #326 Cincinnati, OH 45202

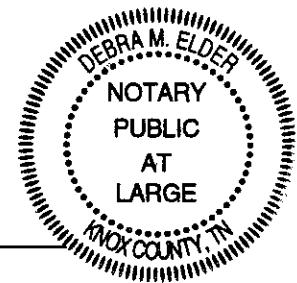
(2) the Debtor:

Christopher J. Walsh
8054 Mill Creek Circle
West Chester, OH 45069

(3) the attorney for the United States:

Deborah F. Sanders
Assistant United States Attorney
Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215-2401

Yuri L. Gingrich
Garnishee



Subscribe and sworn to before me this 16th day of Sept., 2004.

Debra M. Elder
Notary Public

My Commission expires: 7-3-2007

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be mailed to:

Clerk U.S. District Court U.S. Postoffice & Courthouse, Rm #326 Cincinnati,
OH 45202

and a copy of this Answer to:

Deborah F. Sanders
Assistant United States Attorney
Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215-2401

and a copy of this Answer to the Defendant:

Christopher J. Walsh
8054 Mill Creek Circle
West Chester, OH 45069

Paystub Detail

StaffMe.Net, LLC
4448 N. Cedar Bluff Rd.
Suite 315
Knoxville, TN 37923

Check No.: 22041

Pay Period: 09/01/2004 - 09/15/2004

Paystub Detail						
Personal Information		Description	Qty	Rate	Current	YTD
		Earnings and Hours				
Christopher J. Walsh 8054 Mill Creek Circle West Chester, OH 45069 480-84-6296		Hourly Pay	80.00	28.84	2,307.20	41,719.58
		Hourly Pay Holiday	8.00	26.84	214.72	1,469.44
		Hourly Pay Vacation				1,404.00
		Total			2,521.92	44,593.02
		Taxes				
		OH - Norwood City Tax @ 2....				-48.94
		Federal Withholding Tax				-190.00
		Social Security Employee Tax				-151.71
		Medicare Employee Tax				-35.48
		OH - State Withholding Tax				-97.02
		Total				-523.15
						-9,179.95
		Adjustments to Net Pay				
		Child Support Garnishment				-364.65
		Deposit to #821257219				-1,559.12
		Total				-1,923.77
						-4,011.15
		Summary				
		Earnings				2,521.92
		Deductions from gross				75.00
		Taxes				-523.15
		Adjustments				-1,923.77
		NET PAY				0.00
						30,051.92
		Direct Deposit				
		Deductions from gross				
		125-Medical-Family	-60.00	-60.00	-300.00	
		125-Dental-Family	-15.00	-15.00	-75.00	
		125-Health Insura...			-975.00	
		Total	-75.00		-1,350.00	
		Taxable Company Contributions				
		Earnings				44,593.02
		Deductions from gross				-1,350.00
		Taxes				-9,179.95
		Adjustments				-4,011.15
		NET PAY				30,051.92
		Status				
StaffMe.Net, LLC 448 N. Cedar Bluff Rd. Suite 315 Knoxville, TN 37923		Used	Available			
Vacation		46.00	23.05			
		Married				
		Allowances				
		Extra				
						5



United States Attorney
Southern District of Ohio

303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215-2401

(614) 469-5715
FAX (614) 469-5240

September 10, 2004

BY CERTIFIED MAIL

StaffMe.Net, LLC
Attn: Human Resources/Payroll
448 N. Cedar Bluff Road
Suite 315
Knoxville, TN 37923-3612

**RE: UNITED STATES vs. Christopher J. Walsh
CASE NO: MS-1-01-035**

Dear Sir/Madam:

The attached Writ of Continuing Garnishment and supporting documents are served on you pursuant to Sections 3202 and 3205 of the Federal Debt Collection and Procedures Act (FDCPA).

Please read the enclosed **INSTRUCTIONS TO THE GARNISHEE** carefully. It explains the manner in which you are required to comply with provisions of the Federal Debt Collection Procedures Act with respect to this garnishment proceeding. The Instructions also contain information regarding liabilities which may be imposed upon you if you should fail to comply with the requirements of the law. Pursuant to the **Instruction to the Garnishee**, payments should be withheld and retained by Garnishee until the Garnishment Order is signed by the Court and then payments should be made payable to the Department of Justice.

Thank you for your cooperation in this matter. If you have any questions concerning the enclosed pleadings and documents, or the garnishment proceeding to which they relate, please contact the undersigned at your earliest convenience.

Sincerely yours,

GREGORY G. LOCKHART

United States Attorney


Cloteal Turner

Legal Technician

Financial Litigation Unit

Enclosures

cc: Christopher J. Walsh

TO: StaffMe.Net, LLC
Attn: Human Resources/Payroll
448 N. Cedar Bluff Road
Suite 315
Knoxville, TN 37923-3612

INSTRUCTIONS TO THE GARNISHEE

Attached is a Writ of Continuing Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property of the debtor listed herein, or any other property of the debtor. **You are required by law to serve a written answer to this Writ within ten (10) days of your receipt of this Writ.** You must file the original answer with the Court issuing this Writ and serve a copy to Christopher J. Walsh, Defendant, and Deborah F. Sanders, Counsel for the United States. You are further required to withhold and retain any property in which the debtor has a substantial non-exempt interest until the Garnishment Order is signed by this Court and you are instructed regarding payments. A list of exemptions which are not subject to the Writ of Continuing Garnishment is attached to the Clerk's Notice, entitled Claim for Exemption Form.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE ATTORNEY FEES TO THE UNITED STATES OF AMERICA IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

If you have additional questions, please call the United States Attorney's Office, Financial Litigation Unit at (614) 469-5715 or write to:

Deborah F. Sanders
Assistant United States Attorney
Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215-2401

IMPORTANT STATEMENT

This wage garnishment directs the withholdings of up to 25 percent of the judgment debtor's disposable income. In certain cases, however, federal law does not permit the withholding of that much of the debtor's disposable income. The judgment debtor is referred to the 15 United States Code §1671 et. Seq.

I. Limitations on the amount that can be withheld:

A. If judgment debtor's weekly disposable earnings are less than thirty (30) times the current federal minimum wage (\$5.15 per hour), or \$154.50, no deduction can be made under this wage garnishment.

B. If deductions are being made from a judgment debtor's gross income under any orders for alimony, support maintenance for family members or former spouses, and those deductions equal or exceed twenty-five percent (25%) of the judgment debtor's disposable earnings, no deductions can be made under this wage garnishment.

C. If deductions are being made from a judgment debtor's gross income under any orders for alimony, support or maintenance for family members or former spouses, and those deductions are less than twenty-five percent (25%) of the judgment debtor's disposable earnings, deductions may be made under the wage garnishment. However, the amount arrived at by adding the deductions made under this execution to the deduction made under any orders for alimony, support or maintenance for family members or former spouses cannot exceed twenty-five (25%) of the judgment debtor's disposable earnings.

NOTE: Nothing in this wage garnishment limits the proportion or amount which may be deducted under any order for alimony, support or maintenance for family members or former spouses.

II. Explanation of limitations

Definitions

Disposable Earnings - Disposable earnings are that part of an individual's earnings left after deducting those amounts that are required by law to be withheld (for example, taxes, social security and unemployment insurance, but not deductions for union dues, insurance plans, etc.).

Gross Income - Gross income is salary, wages or other income including any and all overtime earnings, commissions and income trusts, before any deductions are made from such income.